To: FCC From: Patricia Burke Date: April 9, 2025 Re: 25-133 Delete, Delete, Delete

The FCC asked: *"Are there existing rules that could give rise to a risk of regulatory capture?"*

“We also invite more general comment on rules that should be considered for elimination on other grounds.”

This testimony pertains to the demand to address Accessibility and Accommodation, especially including Fair Housing, including references to smart meters and proximal infrastructure (cell towers).

> [Sic]"Lastly, the Board received multiple comments from individuals or entities addressing various types of electromagnetic sensitivities. These commenters requested that the final rule require accommodations for people with electromagnetic intolerances, so that they might use Federal buildings and Federally-funded facilities. The Board acknowledges the challenges faced by mstockstill on DSK3G9T082PROD with RULES3 VerDate Sep<11>2014 21:45 Jan 17, 2017 Jkt 241001 PO 00000 Frm 00007 Fmt 4701 Sfmt 4700 E:\FR\FM\18JAR3.SGM 18JAR3 5796 Federal Register / Vol. 82, No. 11 / Wednesday, January 18, 2017 / Rules and Regulations 1Subsequently, in 2015, the three European standards bodies issued an updated version of EN 301 549, which contained minor editorial changes only relative to the 2014 version. See ETSI/CEN/ CENELEC, EN 301 549 V1.1.2 (2015–04), Accessibility Requirements Suitable for Public Procurement of ICT Products and Services in Europe (Apr. 2015), available at http:// www.etsi.org/deliver/etsi_en/301500_301599/ 301549/01.01.02_60/en_301549v010102p.pdf. individuals with electromagnetic sensitivities, and notes that electromagnetic sensitivities may be considered a disability under the ADA if the sensitivity so severely impairs the neurological, respiratory, or other functions of an individual that it substantially limits one or more of the individual's major life activities. However, most of the accommodations suggested by these commenters are beyond the scope of this rulemaking or our statutory jurisdiction. Moreover, none of our prior rulemaking notices (i.e., 2010 ANPRM, 2011 ANPRM, and NPRM) proposed technical specifications relating to electromagnetic sensitivities. Thus, were the Board to address electromagnetic sensitivity issues posed by ITC, this complex area would require thorough research and notice-andcomment rulemaking before being addressed through rulemaking."

(Access Board)

The FCC: For the Purpose of National Defense

The 2008 Federal Communications Commission Fiscal Year 2008 Performance and Accountability Report states, *“Furthermore, the Act provides that **the FCC was created, "for the purpose of the national defense,"** and, **"for the purpose of promoting safety of life and property through the use of wire and radio communications.**"[4] As specified in Section 1 of the Communications Act of 1934 and amended by the Telecommunications Act of 1996 (amendment to 47 U.S.C.*

§151), the mandate of the FCC is, "to make available so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, rapid, efficient, nationwide, and world-wide wire and radio communication services with adequate facilities at reasonable charges." SOURCE

Promoting safety has translated into the authorization for successive installations of First Responder infrastructure that doubles as ubiquitous citizen surveillance, most recently invoking justification for 5G.
https://www.verizon.com/business/solutions/public-sector/public-safety/

The FEDERAL COMMUNICATIONS COMMISSION Fiscal Year 2024 Annual Performance Report (October 1, 2023 – September 30, 2024) states,

"FCC's Strategic Plan for FY's 2022 - 2026 [ ]include: Pursue a 100% Broadband Policy; Promote Diversity, Inclusion, Equity and Accessibility; Empower Consumers; Enhance Public Safety and National Security; Advance America's Global Competitiveness; and Foster Operational Excellence."

"The FCC is an independent regulatory agency of the United States Government. The FCC is charged with regulating interstate and international communications by radio, television, wire, satellite, and cable."

"In the very first sentence of the Communications Act, Congress directs the FCC to help make communications services available to "all the people of the United States … without discrimination on the basis of race, color, religion, national origin, or sex." The Commission remains resolute in fulfilling this mandate and assuring the benefits of modern communications provide equal access to everyone, everywhere. In service of this statutory mandate, the FCC has made extraordinary progress to **strengthen consumer protection, universal service, broadband access, competition, space innovation, national security, and public safety, while keeping pace with dynamic and advancing technologies."**

The FCC Bureaus and Offices are: The Consumer & Governmental Affairs Bureau, The Enforcement Bureau, The Media Bureau, The Space Bureau, The Wireless Telecommunications Bureau, The Wireline Competition Bureau, The Office of Administrative Law Judges, The Office of Communications Business Opportunities, The Office of Economics and Analytics, The Office of Engineering and Technology, The Office of the General Counsel, The Office of the Inspector General, The Office of International Affairs, The Office of Legislative Affairs, The Office of the Managing Director, The Office of Media Relations, and two more.

FCC Workplace Diversity

The Office of Workplace Diversity *develops, coordinates, evaluates, and recommends to the Commission policies, programs, and practices that foster a*

diverse workforce, and promotes and ensures equal employment opportunity (EEO) for all employees and applicants without regard to race, color, religion, ***sex (including pregnancy and gender identity)****, sexual orientation, national origin,* ***age, disability (mental, intellectual, or physical),*** *marital status, parental status, political affiliation,* ***genetic information (including medical history),*** *or any other basis protected by law.*

While the FCC has updated its Workplace Diversity, its mission *"to make available so far as possible, to all the people of the United States, without* ***discrimination on the basis of race, color, religion, national origin, or sex****, rapid, efficient, nationwide, and world-wide wire and radio communication services with adequate facilities at reasonable charges"* has not been updated to include pregnancy, age, disability (mental, intellectual, or physical), or genetic information.

In fact, the FCC's interpretation of "safety" has resulted in an unacknowledged wave of symptom onset, acute disability, and sky-rocketing rates of neurological deaths, especially for older women.

Epidemiology: Neurological Harm

In 2015, Bournemouth University (U.K) researchers Colin Pritchard and Emily Rosenorn-Lanng published their study, Neurological deaths of American adults (55–74) and the over 75's by sex compared with 20 Western countries 1989–2010: Cause for concern

The researchers showed that deaths due to neurological diseases like Alzheimer's and dementia were, in fact, rising in the twenty-one Western countries, with especially alarming increases for women in the United States. In August of 2015, the Washington Post reported," The study [] found that the disease is now being regularly diagnosed in people in their late 40s and that death rates are soaring. [] The problem was particularly acute in the United States, where neurological deaths in men aged over 75 have nearly tripled and in women risen more than fivefold."

"Total Neurological Deaths include such disparate conditions as Parkinson's disease, motor neuron disease (MND), hereditary neuromuscular conditions, prion disorders, degenerative diseases, including Creutzfeldt Jacob's disease (CJD), and new variant CJD[50] though the incidence of the later appears to have relatively stabilized, returning close to pre-2000 levels.[9,30,41] Earlier research found that dementia morbidity was occurring earlier and had disproportionately increased in some Western countries in people aged 45–74 years, with relatively larger increases in women[26,38,40] as women's TND rates had risen relatively more than male rates in every country."

" [] apart from Portugal, over the 20 years the USA had statistically significant greater rises in Total Neurological Deaths than 16 other countries, indicating

disproportionate changes in neurological morbidity and mortality in American adults (55–74) and the over 75's"

"Moreover, the extent of "early dementias," often seen in people under 60, was virtually unknown 30 or more years ago and the more than doubling of the over 75's Total neurological Deaths in the US within just 20 years, suggests that interactive multiple environmental and lifestyle factors are operating."

These are expensive and emotionally devastating diseases, which may be occurring in individuals who may have lead healthy and enjoyable lives throughout the lifespan, without neurological damage, if they were not being exposed to unsafe juxtapositions of wireless exposures promoted as safe by the FCC and its military/industrial partners.

"Neurological diseases are considered to be "diseases of the elderly"[37] and that possibly the rises are essentially due to the "Gompertzian effect"-that is, that as people live longer, they have diseases that previously they would not have lived long enough to develop.[7,14,43] This appears to have some validity, but the question is whether such substantial changes, occurring over a relatively short period, are mainly due to the Gompertzian effect? However, international changes in regard to cancer deaths[41,42] do not accord with a Gompertzian prediction, nor does this explanation account for changes between countries and gender especially in the USA, as other studies, while acknowledging an element of Gompertzian process, have suggested that environmental factors play a larger part.[2,24,25,"

"CONCLUSIONS The Gompertzian explanation appears limited, not least because it does not explain the USA position, but we avoid the temptation to speculate but point toward a number of studies indicating possible epigenetic factors influencing neurological morbidity,[3-5,15,22,24-26,32,36,44] suggesting that possible nongenetic influences on gene expression, may be entertained. [4-6,10,12,13,16,20,32,41] The nature of any environmental factors are uncertain but there have been major environmental changes; including increased population, economic activity, substantial rises in road and air travel; increased home technology involving background electromagnetic fields (mobile phones, microwave ovens, computers), which are unique to these later years and these possible environmental factors cannot be ignored, especially as they probably interact. [6,10,27,28,33] This list of possible features might be described as "modern living" and the USA is the epitome of "modern living.""

In the study, death rates for cancer and cardio-vascular diseases were used as controls and compared with neurological deaths. (Note: Unfortunately, the World Health Organization modified their data categories to 20-year cohorts, instead of the previous practice of sorting by decades, further obscuring patterns of earlier neurological damage. There is a difference between dying of dementia at 55 vs. 74. He who controls the data controls the narrative.)

Public ‘Safety’

The Public Safety and Homeland Security Bureau develops and implements policies and programs to strengthen public safety communications and interoperability, homeland security, national security, emergency management and preparedness, disaster management, and network reliability and resiliency. These efforts include rulemaking proceedings that promote more efficient use of public safety spectrum, improve public alerting mechanisms, enhance the nation’s 911 emergency calling system, and establish frameworks for communications prioritization during crises. The Bureau also maintains 24/7 operations capability and promotes Commission preparedness to assist the public, first responders, the communications industry, and all levels of government in responding to emergencies and major disasters where reliable public safety communications are essential. Finally, the Bureau coordinates the Commission’s national security mission and consults with the Defense Commissioner pursuant to 47 CFR § 0.181 of the Commission’s rules.

The FCC’s practice of promoting and authorizing the safety testing cell phones by

taking the internal temperature of an inanimate model

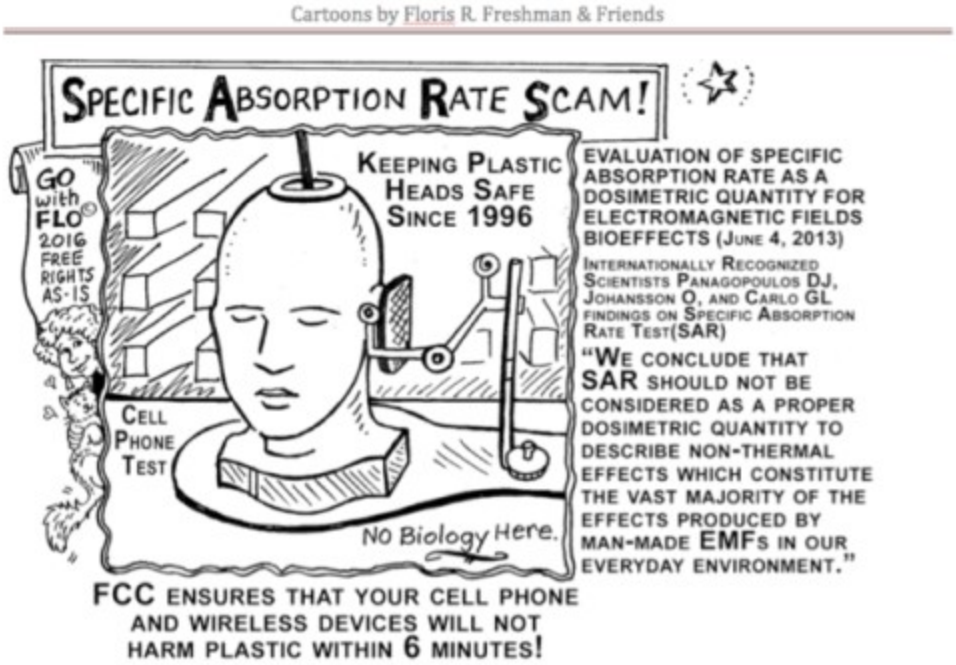
filled with the equivalent of Jell-o

that represents “average tissue,

based the dimensions of a 220 pound male military recruit’s head

for 6 minutes

is evidence of the fact that the FCC is only evaluating the thermal effects of non-ionizing radiation, and has not responded to either historical or emerging science regarding the non-thermal effects of non-ionizing radiation.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SPECIFIC ABSORPTION RATE SCAM!
GO with FLO© 2016 FREE RIGHTS AS-IS
KEEPING PLASTIC HEADS SAFE SINCE 1996
CELL PHONE TEST
No Biology Here.
EVALUATION OF SPECIFIC ABSORPTION RATE AS A DOSIMETRIC QUANTITY FOR ELECTROMAGNETIC FIELDS BIOEFFECTS (JUNE 4, 2013)
INTERNATIONALLY RECOGNIZED SCIENTISTS PANAGOPOULOS DJ, JOHANSSON O, AND CARLO GL FINDINGS ON SPECIFIC ABSORPTION RATE TEST(SAR)
"WE CONCLUDE THAT SAR SHOULD NOT BE CONSIDERED AS A PROPER DOSIMETRIC QUANTITY TO DESCRIBE NON-THERMAL EFFECTS WHICH CONSTITUTE THE VAST MAJORITY OF THE EFFECTS PRODUCED BY MAN-MADE EMFS IN OUR EVERYDAY ENVIRONMENT."
FCC ENSURES THAT YOUR CELL PHONE AND WIRELESS DEVICES WILL NOT HARM PLASTIC WITHIN 6 MINUTES!

Regarding ”Public Safety,” no bureau within the FCC is accountable for responding to emerging science and reported harm, and for insuring that technology choices are “safe,” including both consumer products and imposed technologies, including smart grid/smart meter devices and telecommunication infrastructure.

In particular, the installation of a smart meter has been associated with the acute onset of suffering and neurological harm resulting in loss of safe and secure housing for some individuals.

The FCC has no expertise in the area of health, and is not incentivized to investigate or respond to evidence of damage to human health. The FCC actively engages in regulating the process of preventing other agencies from responding appropriately to unsafe exposures.

2. Legal Authority for 255 Guidelines Section 255 of the Communications Act (hereafter, ''Section 255''), requires telecommunications equipment and services to be accessible to, and usable by, individuals with disabilities, where readily achievable. 47 U.S.C. 255. ''Readily achievable'' is defined in the statute as ''easily accomplishable and able to be carried out without much difficulty or expense.'' Id. In determining whether an access feature is readily achievable, **the Federal Communications Commission (FCC), which has exclusive implementation and enforcement authority under Section 255**, has directed telecommunications equipment manufacturers and service providers to weigh the nature and cost of that feature against the individual company's overall financial resources, taking into account such factors as the type, size, and nature of its business operation. **Section 255 tasks the Access Board, in conjunction with the FCC, with the development of guidelines for the accessibility** of telecommunications equipment and customer premises equipment, as well as their periodic review and update. The FCC, however, has exclusive authority under Section 255 to issue implementing regulations and carry out enforcement activities. Moreover, when issuing implementing regulations, the FCC is not bound to adopt the Access Board's guidelines as its own or to use them as minimum requirements

If appropriate safety standards were in effect, the burdens being created by unsafe exposures would not be shifted other agencies that are check-mated from taking appropriate actions by the FCC, including HUD.

The public is routinely misled about efforts to “address the digital divide” (for example promoting Wi-Fi on school buses so that rural students can do their homework, while ignoring the physiological stressor of reading in a moving vehicle.)

In addition, not adequately investigating so-called “Havana Syndrome” and its similarities to EMR-S/EHS, as identified by environmental researcher Beatrice Golomb, presents a very real risk to U.S. security interests.

The issue of access as escalated to the point where individuals have either been isolated, or have been driven from their homes, community, and former lives, and deprived of livelihood, and access to health care itself.

Health: The Cities of Boston and Philadelphia Reference to the 1999-2000 Judicial Review That Was Never Resolved: ADA vs FCC

The cities of Boston and Philadelphia in their joint submission to the FCC on November 18 accused the FCC and Federal health agencies of negligence for failing to investigate whether electrosensitive persons are harmed by cell phone radiation, dating back to 1999.

"The FCC admits its own lack of expertise in the field. But the overlap of federal agency responsibilities for RF radiation protection and the merely advisory status of the Radiofrequency Interagency Work Group often leaves leadership unclear and encourages a pass-the-buck attitude ...

The 1999-2000 judicial challenge to the FCC’s 1996 rules never reached the issue of “electrosensitivity” as a cognizable disability under the Americans with Disabilities Act. (“ADA”) Here again, an agency responsible for ADA implementation acknowledges that the impairment may be disabling but has promised merely further inquiry. After more than a decade, that investigation remains unopened. The dockets here have been updated with massive additional evidence of the crippling effects of RF radiation on an admitted minority – but a suffering minority – of U.S. citizens. The FCC and its sister regulatory agencies share responsibility for adherence to the ADA and should replace promises with serious attention to a serious medical problem. This is one area where the FCC could lead in advice to electrosensitive persons about prudent avoidance."

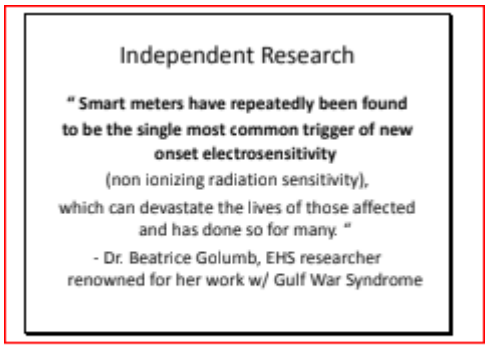
ET Docket No. 13-84 and ET Docket No. 03-137
https://www.fcc.gov/ecfs/document/6017477376/1

The FCC has systematically ignored the reports of harm, for decades, that should have informed proactive decision-making and policy-making.

In particular, the safe housing accommodation should be immediately addressed in regard to smart meters and the smart grid.

Authorization for and Defense of the Installation of Smart Meters by Mercenary Scientists and the FCC Must be Deleted, with an Emergency Preamble

Instead of addressing the conflict between the ADA and the FCC that has been in effect for over a quarter of a century, the FCC escalated the level of suffering, harm, and acute disability by authorizing and defending the installation of unsafe wireless and powerline technologies on the grid and on homes and businesses.


Independent Research
" Smart meters have repeatedly been found to be the single most common trigger of new onset electrosensitivity
(non ionizing radiation sensitivity),
which can devastate the lives of those affected and has done so for many. "
- Dr. Beatrice Golumb, EHS researcher renowned for her work w/ Gulf War Syndrome

The installation of a smart meter on a home has been identified as the most common trigger of EMR-s/EHS.

A proposed Massachusetts states smart meter bill, now in its 12th year for attempted passage, notes:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to maintain public health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health."

https://malegislature.gov/Bills/194/HD4006.Html

Every state bill attempted across the country represents unacknowledged pain and suffering of non-consenting non-benefitting consumers, directly attributed to inaction at the level of the FCC and its utility and telecom partners.

Non-thermal effects below regulatory limits

As reported by Phonegate*, A study published in Bioengineering (March 2025) by an international team involving researchers from the Sorbonne University and CNRS (France), Naresuan University (Thailand), Xavier University (USA) and the University of Surrey (UK) reveals changes in reactive oxygen species (ROS) in human cells exposed to 1.8 GHz (3G) radiofrequencies, at levels up to 100,000 times lower than current regulatory limits. This scientific work provides new experimental evidence of non-thermal effects, challenging the regulatory paradigm based exclusively on tissue heating (thermal effects) recommended by ICNIRP (International Commission on Non-Ionizing Radiation Protection).*

***Consequences for Public Health** This study reinforces the expectations of our NGO concerning the need for an urgent revision of European and international exposure standards. It also calls for:*

Realistic testing: Current protocols are carried out with artificial distances and modalities between the phone and the body, thus underestimating actual exposure.

Better public information: Users must be warned of the risks associated with prolonged use in direct contact with the body.

A strengthened precautionary principle: Public policies must incorporate these new data to protect vulnerable populations, especially children and pregnant women.

Framing exposures solely as accessibility, accommodation, and fair housing issues, which have been ignored, needs to be replaced research-based policy indicative of the fact that wireless is an environmental pollutant.

Utility ratepayers require immediate relief from the imposition of infrastructure associated with direct harm.

Delete the FCCs authority to dictate health policy, housing, access, and resulting human rights abuses.